

REMARKS

In the Office Action, the Examiner rejected pending claims 1-20 and 22-24 under 35 USC §103. These rejections are fully traversed below. The claims have been amended to correct minor informalities and to further clarify the subject matter regarded as the invention, in order to expedite allowance of the pending claims. Applicant respectfully requests that the Examiner withdraw the rejection of claim 23 under 35 USC 112. Claims 1-20 and 22-24 remain pending.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §103

In the Office Action, the Examiner rejected claims 1-2, 4, 9, and 14-20 under 35 USC§103 as being unpatentable over Droms et al, RADIUS Attributes Sub-option for the DHCP Relay Agent Information Option, ('Droms' hereinafter) in view of Applicant's Admitted Prior Art, ('AAPA' hereinafter). This rejection is fully traversed below.

As noted in the Background section of Applicant's specification, the IP address may not be known during layer 2 authentication. In a network such as an SSG based network, it is not possible to correlate the layer 2 information with the layer 3 information. As a result, a user must typically enter identifying information such as a password to enable the network to correlate this layer 2 and layer 3 information. However, this method of authentication would be undesirable in a situation in which a user is using a device such as a cell-phone.

The invention as recited in the pending claims enables a Mobile Node to be authenticated without performing layer 3 authentication. More particularly, an IP address associated with layer 2 information is received without performing layer 3 authentication. For example, as recited in claim 4-6, this may be accomplished by receiving a packet such as an ACCT start or an ACCT stop packet that includes the IP address.

The pending claims recite the receiving of an IP address associated with the layer 2 information without performing layer 3 authentication. While the Examiner asserts that layer

3 authentication is not performed in Drom, Drom does not relate to an SSG based network, which typically requires that layer 3 authentication be performed. Moreover, Drom fails to disclose the remaining limitations of the pending claims, as will be discussed in further detail below.

The Examiner admits that Droms fails to disclose that the method is performed in an SSG based network. However, the Examiner asserts that the claimed features would have been an obvious modification of the system disclosed by Droms, as evidenced by AAPA.

It is important to note that the material in the Background section of Applicant's specification is not "admitted prior art." Rather, the material is merely identified as "related art." Since this material is not "prior art," Applicant respectfully asserts that the material in the Background section of Applicant's specification cannot be asserted against Applicant as "prior art."

In an SSG-based network, SSG-based network systems typically maintain host objects for Mobile Nodes that are supported. Each host object typically includes layer 2 information, as well as an IP address. Nothing in Droms indicates that an "orphaned host object" may be generated, or that an "orphaned host object" may be "unorphaned" in the manner claimed. For example, Droms fails to disclose or suggest generating an orphaned host object when (e.g., after) layer 2 authentication has been performed.

The Examiner cites page 2 of Droms, asserting that "the orphaned object is considered the mobile node awaiting the authentication of the layer 2 information." However, a mobile node awaiting authentication of layer 2 information is entirely different from "generating an orphaned host object including the layer 2 information, wherein the orphaned host object is generated when (e.g., after) layer 2 authentication of the Mobile Node has been performed. Clearly, a mobile node is not a host object. Rather, an object is well-known in the art to be a data structure.

Similarly, the Examiner cites the Abstract of Droms, asserting that "the unorphaned host is considered the authenticated mobile node with IP address." However, an authenticated mobile node is entirely different from "unorphaning the orphaned host object by a network device in the SSG-based network when an IP address associated with the layer 2 information is received such that the unorphaned host object includes the IP address and the layer 2 information, wherein the IP address associated with the layer 2 information is

received without performing layer 3 authentication of the Mobile Node, thereby enabling layer 3 policies to be enforced without performing layer 3 authentication of the Mobile Node.” As set forth above, a mobile node cannot be a host object. The remaining cited references fail to cure the deficiencies of Drom. As such, the combination of the cited references would fail to operate as claimed.

It is also important to note that nothing in the prior art discloses or suggests the problem in the prior art resulting from the fact that a user must typically log in to the SSG-based network in order for the SSG-based network to perform layer 3 authentication. As such, there fails to be a motivation to eliminate layer 3 authentication in an SSG-based network.

Based on the foregoing, it is submitted that the claims are patentable over the cited reference. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited reference. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103.

Reconsideration of the application and an early Notice of Allowance are earnestly solicited. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504480 (Order No. CISCP345).

Respectfully submitted,
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